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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,037	11/26/2003	Jan Klier	200312050-1	7798
22879 7590 05/16/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER LEE, JINHEE J	
			ART UNIT 2174	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/723,037

Applicant(s)

KLIER, JAN

Examiner

Jinhee J. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17, 18 and 20-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17, 18, 20-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 11-15, 17-18, 20 and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

At claim 11, limitation of "receiving an indication of activation of a button in the graphical user interface, wherein activation of the button is a request for the drive information, and wherein receiving the drive information and graphical user interface rendering data is in response to the indication of activation of the button" is new matter not previously disclosed.

At claim 17, limitation of "receiving a second indication of activation of the button in the graphical user interface" and "the second indication" are new matter not previously disclosed.

At claim 18, limitation of "receiving activation of a button in the graphical user interface, wherein activation of the button is a request for drive information of a data access device in the automated storage system; and sending an indication regarding

the activation of the button to a drive controller at the data access drive" is new matter not previously disclosed.

At claim 21, limitation of "drawing of a graphical image" is new matter not previously disclosed.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 11-15, 17, 18, 20 and 24-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "receiving the drive information and graphical user interface rendering data is in response to the indication of activation of the button". This is confusing. Receiving is in response to the indication is not making sense, is the information being received in response to activation? Clarify.

Claim 24 recites the limitation "a graphical user interface" in line 2. This is confusing. Is this different from "a graphical user interface" in line 1-2?.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto et al. (20020124124).

Re claim 1, Matsumoto et al. discloses an automated storage system comprising: a data access drive (5000, 6000 for example) operable to read and write computer-readable data on storage media; a drive controller (controller A, controller B for example) provided at the data access drive; computer-readable program code (100-200 for example) provided in computer-readable storage at the data access drive, the computer-readable program code for generating drive information and user interface rendering data (see figure 2 for example); and a user interface module (see claim 27 for example) outputting the drive information via a user interface in accordance with the user interface rendering data (see figure 4 and claim 27 for example).

Re claim 2, Matsumoto et al. discloses a system, wherein the computer-readable program code includes a render engine (disk controller for example) to generate the user interface rendering data.

Re claim 3, Matsumoto et al. discloses a system, wherein the computer-readable program code includes a state machine (RAM 400 for example) to retrieve the drive information.

Re claim 4, Matsumoto et al. discloses a system, wherein the drive controller retrieves updated drive information if a data access drive changes state (indicate a back up task, see claim 27 for example).

Re claim 5, Matsumoto et al. discloses a system, further comprising a communication path (inherent, communication port for example) established between the drive controller and the user interface module, the drive information and the user interface rendering data provided to the user interface module via the communication path (provided with a plurality of ports, see abstract for example).

Re claim 6, Matsumoto et al. discloses a system, wherein the communication path is established separate from a data path with the drive controller (provided with a plurality of ports, see abstract for example).

Re claim 7, Matsumoto et al. discloses a system, further comprising a communication path established between the drive controller and a system controller and between the system controller and the user interface module, the drive information and the user interface rendering data provided to the user interface module via the communication path (provided with a plurality of ports, see abstract for example).

Re claim 8, Matsumoto et al. discloses a system, wherein the drive information and the user interface rendering data is displayed in a graphical user interface (inherent, see claim 27 for example).

Re claim 9, Matsumoto et al. discloses a system, wherein the drive controller retrieves updated drive information based at least in part on input from the user interface module (user...may start backup processing ..., see paragraph 0075 for example).

Re claim 10, Matsumoto et al. discloses a system, wherein the drive controller receives control instructions from the user interface module(user...may start backup processing ..., see paragraph 0075 for example).

7. Claims 11-12, 14, 15, 16-18, 20 and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Lay et al. (20030169297).

Re claim 11, Lay et al. discloses a method comprising: receiving drive information and graphical user interface rendering data generated by a drive controller (60, printer controller for example) at a data access drive of a storage system (20,32 for example);

outputting the drive information in a graphical user interface in accordance with the graphical user interface rendering data (see abstract, indicator, GUI is displayed for example); and

receiving an indication of activation of a button in the graphical user interface, wherein activation of the button is a request for the drive information, and wherein receiving the drive information and graphical user interface rendering data is in response to the indication of activation of the button (see abstract, GUI Icon button indicator and user may select to activate the indicator for example).

Re claim 12, Lay et al. discloses a method, wherein receiving the drive information and the graphical user interface rendering data is via a system controller (see computer processor, see paragraph 0004 for example).

Re claim 14, Lay et al. discloses a method, wherein outputting the drive information comprises displaying the drive information in the graphical user interface in

accordance with the graphical user interface rendering data (abstract, displays “warmed up” for example).

Re claim 15, Lay et al. discloses a method, further comprising determining a drive state of a data access drive, the drive information including the drive state (see abstract, displays “warmed up” for example).

Re claim 17, Lay et al. discloses a method, further comprising receiving a second indication of activation of the button in the graphical user interface; and

outputting updated drive information in the graphical user interface in response to receiving the second indication (see abstract when the user activates for example).

Re claim 18, Lay et al. discloses, In an automated storage system having a graphical user interface including a display and a graphical user interface selection device, a method of providing and selecting from the display comprising:

Receiving activation of a button in the graphical user interface, wherein activation of the button is a request for drive information of a data access device in the automated storage system (see abstract, user activates the button for example); and

Sending an indication regarding the activation of the button to a drive controller at the data access drive (abstract and via bus to the controller for example);

Responsive to the indication regarding the activation of the button, receiving drive information and graphical user interface rendering data from the drive controller (see abstract and paragraph 00004 for example); and

displaying the drive information in an application window in the graphical user interface in accordance with the graphical user interface rendering data (see abstract for example).

Re claim 20, Lay et al. discloses a method, further comprising:

Receiving a second activation of the button (user activation for example);

Sending a second indication regarding the second activation of the button to the drive controller (see abstract and paragraph 0004 for example); and

Receiving updated drive information that represents a state change of the data access drive, and corresponding updated graphical user interface rendering data from the drive controller ("warmed up" for example); and

displaying the updated drive information in the application window in accordance with the updated graphical user interface rendering data (see abstract for example).

Re claim 25, Lay et al. discloses a method further comprising sending output regarding activation of the button to the drive controller, wherein the drive information and graphical user interface rendering data is generated by the drive controller in response to the output (see abstract and paragraph 00004 for example).

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lay et al. in view of Matsumoto et al.

Re claim 13, Lay et al. discloses a method as set forth in claim 11 above. Lay et al. does not explicitly disclose wherein receiving drive information and graphical user interface rendering data is via a separate communications path. However, Matsumoto et al. teaches of wherein receiving drive information and graphical user interface

rendering data is via a separate communications path (plurality of ports, see abstract). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the system of Matsumoto et al. having separate communication path with the method of Lay et al. in order to provide ability for variety in interaction portals.

9. Claims 21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. in view of Lay et al.

Re claim 21, Matsumoto et al. substantially discloses a system as set forth in claim 1 above. Matsumoto et al. does not explicitly disclose wherein the user interface rendering data enables drawing of a graphical image in the user interface. However, Lay et al. teaches of wherein the user interface rendering data enables drawing of a graphical image in the user interface (see figure 5 for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the user interface rendering data enables drawing of a graphical image in the user interface of Lay et al. on the system of Matsumoto et al. in order to provide ability to draw.

Re claim 24, Matsumoto et al. substantially discloses a system as set forth in claim 1 above. Matsumoto et al. does not explicitly disclose wherein the user interface comprises a graphical user interface, wherein the user interface rendering data comprises a graphical user interface rendering data, and wherein the user interface module displays the drive information in a window of the graphical user interface in accordance with the graphical user interface data. However, Lay et al. teaches of

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wherein the user interface comprises a graphical user interface, wherein the user interface rendering data comprises a graphical user interface rendering data, and wherein the user interface module displays the drive information in a window of the graphical user interface in accordance with the graphical user interface data (see abstract and paragraph 0004 for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made use the user interface comprising a graphical user interface, wherein the user interface rendering data comprises a graphical user interface rendering data, and wherein the user interface module displays the drive information in a window of the graphical user interface in accordance with the graphical user interface data of Lay et al. on the system of Matsumoto et al. in order to provide ability display information using a graphical user interface.

10. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al. in view of Seki et al. (JP02002149315).

Re claim 22, Matsumoto et al. substantially discloses a system as set forth in claim 1 above. Matsumoto et al. does not explicitly disclose wherein the drive information generated by the computer-readable program code comprises a status of the data access drive and operating speed of the data access drive. However, Seki et al. teaches of wherein the drive information generated by the computer-readable program code comprises a status of the data access drive and operating speed of the data access drive (see abstract, solution section for example). It would have been obvious to one having ordinary skill in the art at the time the invention was made to use

the drive information generated by the computer-readable program code comprises a status of the data access drive and operating speed of the data access drive of Seki et al. on the system of Matsumoto et al. in order to provide ability to access the speed and the speed.

Re claim 23, Note that Lay et al. teaches of wherein the drive information generated by the computer-readable program code comprises a status of the data access drive and operating speed of the data access drive (see abstract, solution section for example).

Response to Arguments

11. Applicant's arguments filed 3/1/07 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., drawing of an image) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's arguments that the Matsumoto does not teach user interface rendering data, examiner disagrees. Claim 27 of Matsumoto states that "an interface apparatus having an user interface to indicate a backup task". This clearly shows that there is an outputting of user interface rendering data. Further,

Hyperdictionary.com defines render as "cause to become" or "show". One cannot interpret the word render as defining "to draw three-dimensional objects realistically".

12. Applicant's arguments with respect to claim 11-15, 17, 18, 20-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J. Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M-F at 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-2100 ext. 74. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jinhee J Lee
Primary Examiner
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A handwritten signature in black ink, appearing to read 'Jinhee J Lee', with a long horizontal flourish extending to the right.

jji